

Remarks

Claims 1-18 are pending with claims 19-35 being previously withdrawn.

Claim Rejections – 35 U.S.C. §103

In the Office Action mailed January 11, 2007, claims 1-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,246,838 to Pulver et al. in view of the book “BREADS”. Applicant respectfully traverses these rejections.

The pending claims are directed to a dough intermediate and associated methods of making said dough intermediate so as to improve upon the organoleptic and aesthetic properties of a final product. Within independent claims 1 and 12, a dough intermediate is subject to application of a plasticizing agent prior to an intermediate heating or energy step (claim 1) or a partial finishing step (claim 12). Upon completion of this intermediate or partial finishing step, a par-baked intermediate has a protective plasticized layer so as to maintain moisture until a final heating or finishing step is performed resulting in a desirable, ready-to-consume baked good. By maintaining moisture levels within the par-baked intermediate, Baked Specific Volume of the ready-to-consume baked good is increased in comparison to baked goods from traditional par-baked intermediates.

Pulver et al. is addressed solely to an apparatus utilizing fluid streams to create slits within a plurality of proofed dough pieces (bread loaves). Pulver et al. is completely absent of any discussion relative to the formation of par-baked intermediates. While Pulver includes oils and butter as possible fluids, Pulver et al. explicitly states that water is a preferred fluid (Col. 5, Lines 3-7) making it clear that Pulver et al. does not require, make use of or contemplate any benefits associated with the application of a protective plasticized layer with such a par-baked intermediate. The claimed benefits are clearly not obvious from any teaching of Pulver et al. as the preferred fluid is not a plasticizing agent and as such, fails to provide for said benefits. Furthermore, Pulver et al. describes the use of a fluid only to make a slit and contains no teaching or suggestion relative to coating an exterior surface of the intermediate with a plasticizing agent.

The “Breads” reference is directed to a variety of “artisan” style dough products and related methods of making. The “Breads” reference is absent any disclosure or teaching relative to par-baked intermediates and the use of a plasticizing layer on an exterior surface of said par-baked intermediate to maintain moisture. The “Breads” reference describes the application of butter to maintain a velvety finish but the butter is applied to a proofed dough immediately prior to baking as opposed to prior to an intermediate heating step for preparation

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of a par-baked intermediate and is not at all related to maintaining moisture levels in a par-baked immediate prior to a final heating or finishing step.

As discussed above, neither Pulver et al. nor the referenced portions of the book "BREADS" are at all relevant to the preparation of ready-to-consume baked goods from par-baked dough intermediates nor to the use of a protective plasticized layer to improve texture and volume of final baked goods by maintaining moisture levels within a par-baked intermediate. Neither reference teaches or suggests par-baked goods let alone disclosing the formation of a protective plasticized layer on a par-baked intermediate to retain moisture, and consequently, improve Baked Specific Volume upon final preparation of a ready-to-consume baked good.

While the Applicants' submit that preparation of par-baked intermediates is known, there is no suggestion or teaching within the cited art nor has the Examiner established that the formation of a plasticized layer on a par-baked intermediate is so "notorious" as to render the presently pending claims as obvious to one of skill in the art. In addition, the Examiner has not offered any explanation as to why common sense or any other motivation would dictate one of skill in the art to combine an apparatus for simultaneously slitting multiple pieces of proofed dough with a publication dealing with artisan style, scratch prepared dough products to arrive at the claimed invention, especially considering the present claims require a plasticized layer be formed on a par-baked dough intermediate.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,
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